



Department of Justice

FOR IMMEDIATE RELEASE
TUESDAY, AUGUST 13, 1996

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**SAN DIEGO FAST FOOD FRANCHISOR WILL PAY \$1.45 MILLION CIVIL
PENALTY FOR VIOLATING ANTITRUST PREMERGER REPORTING REQUIREMENTS**

WASHINGTON, D.C. -- A San Diego fast food franchisor that owns Jack in the Box restaurants will pay a \$1.45 million civil penalty to settle charges that it violated premerger reporting requirements, said the Department of Justice.

The Department's Antitrust Division today filed a civil suit against Foodmaker Inc. for acquiring all of the voting securities of Consul Restaurant Corporation without notifying federal antitrust authorities of the acquisition. Consul, which had operated 26 franchised Chi-Chi's restaurants, was acquired by Chi-Chi's Inc., which was a subsidiary of Foodmaker at the time.

The suit and a proposed settlement were filed in U.S. District Court in Washington, D.C., at the request of the Federal Trade Commission. The settlement, which must be approved by the court, would settle the suit.

The Hart-Scott-Rodino Act of 1976 imposes notification and waiting period requirements on individuals and companies over a certain size before they consummate acquisitions of stock or assets over a certain value or ownership percentage.

A description of the case is contained in the attached press release from the Federal Trade Commission.

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